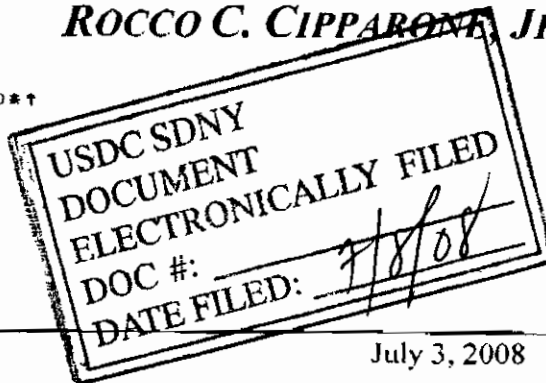


LAW OFFICES
OF

ROCCO C. CIPPARONE, JR.

ROCCO C. CIPPARONE, JR. O * †



CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A CRIMINAL TRIAL
ATTORNEY

ADMITTED TO PRACTICE IN N.J., PA &
FEDERAL COURTS IN N.J., PA & MICH

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LAW SCHOOL

Please Reply to NJ Office

July 3, 2008

Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Via facsimile to 212-805-7941

Re: United States v. Shaheen Mukhtar *CR-*
U.S.D.C. (S.D.N.Y.) Docket # 07-711

67 CR 711

Dear Judge Preska:

I am aware that the status conference has been rescheduled to 12 pm on July 8, 2008. This letter is to request the court's permission for my being absent from the conference, and if such is granted, to waive my client's presence at the conference as well. Indeed, Mr. Mukhtar has advised me today by telephone conversation that his unit at the MDC is under quarantine for a chicken pox outbreak until July 13, 2008. For that reason, and because I have been engaged in ongoing plea discussions with AUSA Zornberg that likely will result in a non-trial disposition of this matter, I am asking to be excused from the conference, especially in light of the travel distance. I do have a prior commitment that would conflict with the rescheduled time of the hearing, but I could and would reschedule that conflicting matter if Your Honor declines this request, and of course I will appear in your court if required to do so. AUSA Zornberg has advised that she has no objection to this request.

I note that there are no motions pending or filed on behalf of my client. Mr. Zornberg and I have been discussing some legal and factual issues regarding a non-trial disposition that require some additional research on both ends, but we each are diligently working at resolving this matter. In the unlikely event that it cannot be resolved without a trial, I will acquiesce to whatever schedule Your Honor sets.

In the event that the Court grants this request for me to not appear next week, because I

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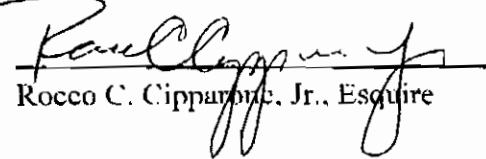
understand that you will be setting a trial date, I would like to make the Court aware that I begin a federal criminal trial in the District of New Jersey (Camden), in which I am CJA appointed, in the matter of USA v. Shnewer, docket number 07-459, on September 29, 2008. That case is commonly referred to as the "Fort Dix Six (now five)" terrorism case, and involves an alleged plot to kill U.S. military personnel. The Court is calling in about 1000 prospective jurors, and I anticipate the trial lasting 10-12 weeks. Therefore, I would not be available for trial until after January 1, 2009, and would of course like to have some time in between the two trials to prepare further for the Mukhtar trial if one is necessary. I ask the Court to consider that scheduling issue when setting a trial date.

I respectfully ask the Court therefore to consider allowing that neither I nor Mr. Mukhtar be required to attend the July 8, 2008 status conference in light of the foregoing. I will contact Your Honor's chambers to follow up on this request. For convenience, I have placed an approval or denial line below. If possible, a return fax of the approval or denial would be appreciated (856-547-2225). If not, I will place a follow-up telephone call to Your Honor's Chambers on Monday. Thank you for your consideration.

Respectfully submitted,

LAW OFFICES OF ROCCO C. CIPPARONE, JR.


BY:


Rocco C. Cipparone, Jr., Esquire

cc: AUSA Lisa Zornberg (via e-mail)
Shaheen Mukhtar (via regular mail)

 Request Approved

Request Denied


Honorable Loretta A. Preska
7/7/08

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